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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,917	03/23/2001	Peter Ka-Fai Chow	F1008/2010P	9533
7590	09/22/2004			EXAMINER TON, ANTHONY T
Joseph A. Sawyer Jr. SAWYER LAW GROUP LLP P.O. Box 51418 Palo Alto, CA 94303			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,917	CHOW, PETER KA-FAI	
	Examiner	Art Unit	
	Anthony T Ton	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03/23/2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-36 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 March 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a) Term “**V1M2 mode**” in page 3 line 10 is improper since **ConfigV1M2** and **ConfigV2** are different from each other; wherein the ConfigV1M2 is a signal which forces a station into the V1M2 mode, and the ConfigV2 is a signal which forces a station into the 10M8 mode.

Examiner suggests changing this term to “**10M8 mode**”.

- b) Equation: $1M8_MODE := (\text{ConfigV1} \ or \ \text{ConfigV1M2}) \ or \ (\text{not ConfigV2} \ and \ (\text{V1_SIGNALLED} \ or \ \text{V1_DETECTED}))$ in page 7 lines 3 and 4 is missing a closed parenthesis “)” after term “ConfigV2”.

Examiner suggests changing this equation to $1M8_MODE := (\text{ConfigV1} \ or \ \text{ConfigV1M2}) \ or \ (\text{not ConfigV2}) \ and \ (\text{V1_SIGNALLED} \ or \ \text{V1_DETECTED})$.

Appropriate correction is required.

Claim Objections

2. **Claims 1, 2 and 28** are objected to because of the following informalities:
 - a) In **Claim 1**: Term “**PCOM**” in line 3 and term “**private communication field (PCOM)**” in line 4 should be swapped to one another.

Examiner suggests changing the term “**PCOM**” in line 3 to “**private communication field (PCOM)**”; and then changing the term “**private communication field (PCOM)**” in line 4 to “**PCOM**”.

b) In Claim 2: Term “asserted” in line 8 is not consistent with terms “determining”, “enabling” and “determining” listed in items (a1), (a2) and (a3), respectively.

Examiner suggests changing this term to “asserting”.

c) In Claim 28: Term “PCOM” in line 2 should be completely spelled out at the very first time.

Examiner suggests changing this term to “private communication field (PCOM)”;

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claims 1 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are:

the limitation “a force-second-mode signal” in line 13 of the Claim 1 and in line 19 of the Claim 28 is **not adequately disclosed** by the drawings and specification.

Accordingly, in Figures 3 and 4, there is only a disclosure of the limitation “a force-first-mode signal”; however, the “a force-second-mode signal” has **not been clearly disclosed** in both drawings and specification.

b) **Claim 28** recites the limitation “**the station**” in line 3. Does this limitation refer to “a network state machine” recited in line 1 of the claim? There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

5. **Claims 1-36** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Examiner Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-3076**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT
9/15/04



PHIRIN SAM
PRIMARY EXAMINER